

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,  
*Plaintiff,*

**NOTICE OF MOTION**

**v.**

DAVID RUBEL,  
*Defendants.*

Case No: 20-cr-00195(JLS)(JJM)

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S I R S :

PLEASE TAKE NOTICE that upon the annexed affidavit Herbert L. Greenman, Esq., the undersigned moves this Court for an Order extending the time within which the defense must file motions for reasons set forth in the affidavit annexed hereto and made a part hereof together with such other and further relief as to this Court may deem just and proper.

DATED: Buffalo, New York  
April 19, 2021

Respectfully submitted,

/s/Herbert L. Greenman

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HERBERT L. GREENMAN, ESQ.  
LIPSITZ GREEN SCIME  
CAMBRIA, LLP  
Counsel for Defendant  
DAVID RUBEL  
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TO: LAURA HIGGINS, ESQ.  
ASSISTANT UNITED STATES ATTORNEY  
138 Delaware Ave.  
Buffalo, NY 14202

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,  
Plaintiff,

v.

**AFFIDAVIT**  
Case #20-cr-00195(JLS)(JJM)

DAVID RUBEL  
Defendants.

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STATE OF NEW YORK                    )  
COUNTY OF ERIE                    SS:  
CITY OF BUFFALO                    )

HERBERT L. GREENMAN, Esq. being duly sworn deposes and says:

1. I am an attorney for the defendant David Rubel.
2. By order of United States Magistrate Judge Jeremiah J. McCarthy motions are scheduled to be filed by April 19, 2021.
3. The government has tendered a Plea Agreement to the defense. The defense is continuing to work toward a Plea disposition.
4. Recently, an Assistant United States Attorney was added to the government attorney list because the previous Assistant United States Attorney is on assignment outside of the district. Therefore, we need some additional time to attempt to resolve this case.
5. Assistant United States Laura Higgins has no objection to this request.
6. The parties agree that the speedy trial time should be excluded on the basis that the interest of the defendant and the community in a speedy disposition of this case is outweighed by this request.

WHEREFORE, your deponent prays that this Court issue an Order accordingly.

DATED: April 19, 2021  
Buffalo, New York

Respectfully submitted,

/s/Herbert L. Greenman

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HERBERT L. GREENMAN, ESQ.  
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Sworn to before me this 19<sup>th</sup> day  
Of April, 2021

/s/Elizabeth M. Jagord-Ward

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Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires October 31, 2022